UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,795	12/20/2001	Mark Andrew Dinan	46243.010100	4791

167   7590   10/03/2005

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EXAMINER
COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/022,795	DINAN ET AL.
	Examiner	Art Unit	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 December 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _14 Nov 2002_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on December 20, 2001. Claims

1-20 are pending. Claims 1-20 are directed to a method, system and software for a

"Graphical Interactive Interface for Immersive Online Communities."

Priority is denied.

2.   The later-filed application must be an application for a patent for an invention

which is also disclosed in the prior application (the parent or original nonprovisional

application or provisional application); the disclosure of the invention in the parent

application and in the later-filed application <u>must be sufficient</u> to comply with the

requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v.

Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

On December 26, 2000 Applicant filed a document entitled: " Graphical

Interactive Interface for Immersive Online Communities" which had a total of eight (8)

pages and followed the recommended format of the MPEP whereas the later filed

specification of the same title had a total of fifteen (15) pages also followed the

recommended format of the MPEP.

Applicant is invited to ascertain the equivalency of these two documents in

substance.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   <u>Claims 1-7, 9, 11-14, 16- 20 directed to a method, system and software are</u>

<u>rejected under 35 U.S.C. §102(e) as being anticipated by Lyons (US 6,181,343.)</u>

Lyons teaches the invention as claimed including a system and method for

permitting three-dimensional navigation through a virtual reality environment using

camera-based gesture inputs of a system user. (See abstract.)

<u>Claim 1</u>.

Lyons teaches a method in which a user interacts within an immersive online

community having intelligent virtual objects, said method comprising the steps of: (<u>See</u>

<u>col. 1, lines 29-45; col. 4, lines 22-40.</u>)

a user selecting a set of characteristics to represent a first intelligent virtual object

wherein each of said characteristics is associated with a personality specified by the

user; (See col.2, lines 9-14; col. 6, lines 4-55.)

said first intelligent virtual object interacting with other intelligent virtual objects,

utilizing predetermined interface tools such that said other intelligent virtual objects

receive real-time responses to stimuli initiated by said other intelligent virtual objects;

and (See col.2, lines 9-14; col. 6, lines 4-55.)

said first intelligent virtual object interactively passing user generated content between

said other intelligent virtual objects and said user under administrative controls. (See

col.2, lines 9-14; col. 6, lines 4-55.)

Claim 2.

Lyons teaches the method of claim 1 further comprising the step of: said user

controllably navigating said intelligent virtual object within the confines of the immersive

online community. (See col. 1, lines 29-45; col. 4, lines 22-40.)

Claim 3.

Lyons teaches the method of claim 2 wherein the navigation is metaphorically

correct representation of a three dimensional world. (See col. 8, lines 33-38.)

Claim 4.

Lyons teaches the method of claim 1 wherein the response to stimuli includes

said user sending projectiles between said first intelligent virtual object and another

intelligent virtual object. (See col. 6, lines 4-55.)

Claim 5.

Lyons teaches the method of claim 1 wherein the response to stimuli includes

said user dancing in a metaphorically correct manner. (See col. 6, lines 4-55; especially

line 35 – user gestures, body motions, head motions and eye motions are equivalent to

dancing as claimed above.)

Claim 6.

Lyons teaches the method of claim 1 wherein the response to stimuli includes

said user playing games with said other intelligent virtual objects. (See col. 6, lines 4-55;

especially line 24 – and movement.by the system users causes apparent movement of

the three dimensional objects.. and line 35 – user gestures, body motions, head motions

and eye motions are equivalent to playing games as claimed above.)

Claim 7.

Lyons teaches the method of claim 1 wherein said user creates objects using

interactive Java tools to interact within the immersive online community. (See col. 9,

lines 49-62; col. 8, lines 31-44 system software encompasses Java tools.)

 Claim 9.

Lyons teaches the method of claim 1 wherein said user participates in the

economy on the immersive online community via use of an economy tool. (See col. 9,

lines 36-62; col. 6, lines 4-55.)

Claim 11.

Lyons teaches a computer system contained within a computer network wherein

multiple computers are connected together using telecommunications mechanisms and

in which a user communicates with a first intelligent virtual object, said computer system

comprising the steps of:

a user selecting a set of characteristics to represent a first intelligent virtual object

wherein each of said characteristics is associated with a personality specified by the

user; (See col.2, lines 9-14; col. 6, lines 4-55.)

said first intelligent virtual object interacting with other intelligent virtual objects

utilizing said predetermined interface tools such that said other intelligent virtual objects

receive real-time responses to stimuli initiated by said other intelligent virtual objects;

(See col.2, lines 9-14; col. 6, lines 4-55.)

and said first intelligent virtual object interactively passing user generated content

between said other intelligent virtual objects and said user under administrative controls.

(See col.2, lines 9-14; col. 6, lines 4-55.)

Note: The preamble of this claim has not been given patentable weight because the

recitation occurs in the preamble. A preamble is generally not accorded any patentable

weight where it merely recites the purpose of a process or the intended use of a

structure, and where the body of the claim does not depend on the preamble for

completeness but, instead, the process steps or structural limitations are able to stand

alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie,

187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim 12.

Lyons teaches the system of claim 11 wherein the user controls navigation of

said intelligent virtual object within the confines of the immersive online community.

(See col. 1, lines 29-45; col. 4, lines 22-40.)

Claim 13.

Lyons teaches the system of claim 12 wherein the navigation is metaphorically

correct representation of a three dimensional world. (See col. 8, lines 33-38.)

Claim 14.

Lyons teaches the system of claim 11 wherein the user creates objects using

interactive Java tools to interact within the immersive online community. (See col. 9,

lines 49-62; col. 8, lines 31-44 system software encompasses Java tools.)

Claim 16.

Lyons teaches the system of claim 11 having an interface engine residing within

a Java environment, the interface engine updating dynamically using Java standard

class libraries. (See col. 9, lines 49-62; col. 8, lines 31-44 system software

encompasses Java tools.)

Claim 17.

A programmable media containing programmable software enabling a user to

interact within an immersive online community having intelligent virtual objects,

programmable software comprising the steps of: (See col. 8, 9 and 10)

a user selecting a set of characteristics to represent a first intelligent virtual object

wherein each of said characteristics is associated with a personality specified by the

user; (See col.2, lines 9-14; col. 6, lines 4-55.)

said first intelligent virtual object interacting with other intelligent virtual objects

utilizing said predetermined interface tools such that said other intelligent virtual objects

receive real-time responses to stimuli initiated by said other intelligent virtual objects;

(See col.2, lines 9-14; col. 6, lines 4-55.)

and, said first intelligent virtual object interactively passing user generated

content between said other intelligent virtual objects and said user under administrative

controls. (See col.2, lines 9-14; col. 6, lines 4-55.)

Claim 18.

Lyons teaches the programmable media of claim 17 further comprising the

additional step of: said user controllably navigating said first intelligent virtual object

within the confines of the immersive online community. (See col. 1, lines 29-45; col. 4,

lines 22-40.)

Claim 19.

Lyons teaches the programmable media of claim 18 wherein the navigation is

metaphorically correct representation of a three dimensional world. (See col. 8, lines 33-

38.)

Claim 20.

Lyons teaches the programmable media of claim 17 wherein the user creates

objects using interactive Java tools to interact within the immersive online community.

(See col. 9, lines 49-62; col. 8, lines 31-44 system software encompasses Java tools.)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invition was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 8, 10 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable

over Lyons '343 in view of Honda (US 6,020,885.)

Lyons teaches the invention substantially as claimed including a system and

method for permitting three-dimensional navigation through a virtual reality environment

using camera-based gesture inputs of a system user. (See abstract.)

Claim 8.

Lyons substantially teaches the method of claim 1 as discussed above. (See col.

6, lines 4-55; col. 9, lines 49-62.) Lyons does not teach "wherein said user employs

verbal invocations..." However, Honda teaches said limitations. See col. 7, lines 21-25.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the graphical interactive immersive system disclosed

by Lyons with the three-dimensional virtual reality space sharing method as taught by

Honda.

This system allows a user to interact with the virtual environment through verbal

invocation in addition to video interfaces thereby amplifying the interfaces to the system.

Claim 10.

Lyons substantially teaches the method of claim 1 as discussed above. Lyons

does not teach "wherein the administrative controls provide governance and logging to

user actions with the immersive online community." However, Honda teaches said

limitations. See Fig. 7 and Fig. 8 and Fig. 11.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the graphical interactive immersive system disclosed

by Lyons with the three-dimensional virtual reality space sharing method as taught by

Honda.

This system allows a multiple users to interact with the same virtual environment

through the cyberspace system as depicted in Fig. 1.

Claim 15.

Lyons substantially teaches the system of claim 11 as discussed above. (See

col. 6, lines 4-55; col. 9, lines 49-62.) Lyons does not teach "wherein said user employs

verbal invocations..." However, Honda teaches said limitations. See col. 7, lines 21-25.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the graphical interactive immersive system disclosed

by Lyons with the three-dimensional virtual reality space sharing method as taught by

Honda.

This system allows a user to interact with the virtual environment through verbal

invocation in addition to video interfaces thereby amplifying the interfaces to the system.

CONCLUSION

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    -   Lection et al. (U.S. 6,091,410) teaches "Avatar Pointing Mode."

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-

3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-3997. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

                                                        Emmanuel Coffy
                                                        Patent Examiner
                                                        Art Unit 2157

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EC
September 15, 2005
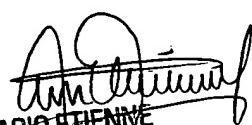
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